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Attorneys for Defendants
JIM SLATTERY and FEDERAL
MEDICAL SERVICES, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ALEXANDER RUSSO, an individual,

Plaintiff,

V.

FEDERAL MEDICAL SERVICES, INC. a Texas corporation; ROSEMARK SERVICES, LLC, a Texas corporation; RENHILL STAFFING SERVICES OF TEXAS, INC., a Texas corporation; JIM SLATTERY, an individual; ABIGAIL WOULFE, an individual; JERRY TATE, an individual; CHAD WEBSTER, an individual, and DOES 1-25, inclusive.

Defendants.

Case No. 5:24-cv-00748-SVK

**DEFENDANTS' NOTICE OF MOTION
AND MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

Date: May 9, 2024

Time: 10:00 a.m.

Ctrm.: 6, 4th Floor

Hon. P. Casey Pitts

Complaint Filed: October 9, 2023

First Amended Complaint Filed: October 26, 2023

TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

NOTICE IS HEREBY GIVEN that May 9, 2024 at 10:00 a.m. or as soon thereafter as the matter may be heard in Courtroom 6, of the above-action Court located at Robert F. Peckham Federal Building, 280 S First Street, Room 244, San Jose, CA 95113, Defendants Jim Slattery and Federal Medical Services, Inc. (collectively “Defendants”) will and hereby do move the Court to grant their Motion to Dismiss Plaintiff’s First Amended Complaint (“FAC”). The motion is based on Federal Rules of Civil Procedure 12(b)(6), and on the following grounds:

(1) All of Plaintiff's claims in his FAC fail because they fail to provide a factual basis as

1 required under Rule 8(a)(2) as to Plaintiff's claims against Defendants;

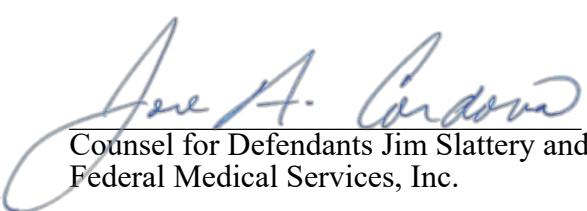
2 (2) The First Amended Complaint fails to specify any conduct giving rise to liability
3 against Defendants (or any of the other named Defendants) for Plaintiff's employment claims;

4 (3) The FAC alleges undifferentiated group pleading against multiple Defendants which
5 is improper, particularly where Plaintiff's claims are limited to his employer.

6 This Motion is based on this Notice of Motion and Motion to Dismiss, Memorandum of Points
7 and Authorities, Declaration of Jose A. Cordova in support thereof, and on such oral and documentary
8 evidence as may be presented prior to and at the hearing on this motion.

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10 DATED: March 13, 2024

LAW OFFICE OF JOSE A. CORDOVA

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13 Counsel for Defendants Jim Slattery and
14 Federal Medical Services, Inc.

CERTIFICATE OF SERVICE
[C.C.P. §§ 1011 and 1013, C.R.C. § 2008]

I declare that I am employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to this action. My business address is Law Office of Jose A. Cordova, One Sansome St., Suite 3500, San Francisco, California 94104.

I served the following document entitled: **DEFENDANTS' NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT** on the interested parties in this action, as follows:

Zac Stoltz
Goldberg & Loren, P.A.
11755 Wilshire Blvd., Suite 1250
Los Angeles, CA 90025

Tel.: 800-710-1617, Ext. 2161
Fax: 888-272-8822
Email: zstoltz@goldbergloren.com

[By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.

[By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).

[By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.

By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.

[By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address indicated for the party(ies) listed above.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 13, 2024 at San Francisco, California.

Jose A. Cordova